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Criminal Law & Procedure, Habeas Corpus

Scoggins v. Hall, No. 12-2338

Denial of petition for writ of habeas corpus seeking to invalidate petitioner's conviction and life sentence on the ground that his court-appointed attorney provided ineffective assistance, is affirmed, where: 1) the attorney did not interview a prosecution witness before trial and declined to interview or to call at trial any of a number of witnesses who, petitioner claims, could have rebutted the prosecution witness's testimony; 2) under *Strickland v. Washington*, petitioner must show not only that his counsel's performance was deficient, but also that the deficient performance prejudiced the defense; and 3) failing to interview the prosecution witness lacks the type of record support that would compel a finding of prejudice.

Contracts, Insurance Law

Luitgaren v. Sun Life Assurance Company of Canada, No. 13-2090

In this suit alleging that defendant's use of RAAs as a method for paying death benefits transgressed its ERISA-inspired fiduciary duties, partial summary judgment in favor of defendant is affirmed substantially on the basis of this Court's reasoning in *Merrimon v. Unum Life Insurance Co.*, where: 1) in the circumstances of this case, the fact that the Benefits Plan did not state in haec verba that benefits would be paid by means of an RAA, unlike in *Merrimon*, is a distinction without difference; and 2) defendant's choice to pay by means of an RAA did not violate its fiduciary duties, as it could not be rationally argued that payment in Euros was a breach of defendant's fiduciary duty under section 404(a).